WRITTEN TESTIMONY OF

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Chairman Gilchrest and members of the Subcommittee, thank you for the opportunity to appear before you today to discuss the role of marine protected areas as a promising marine resource management tool and to report on the progress being made by the Department of Commerce in implementing the Marine Protected Areas (MPA) Executive Order #13158 of May 26, 2000. MPAs can be an important and versatile tool in meeting multiple objectives for conservation and resource use in the marine environment. They are most effective when used in combination with, and as a complement to, other management measures. MPAs are, however, not without controversy. I will describe some of the current sources of confusion surrounding MPAs and how they are used, and highlight what NOAA is doing through the implementation of the Executive Order (E.O.) to encourage this healthy and evolving national debate.

Last June, Secretary of Commerce Donald Evans issued a statement on MPAs in which he announced the Administration's decision to retain the MPA E.O. He expressed the Administration's commitment to "improving conservation and research to preserve our great marine heritage" with $3 million in first time funding for the Department "to support MPA activities consistent with existing law." He underscored the need to "harmonize commercial and recreational activity with conservation" and "declared that we can do both." Subsequently, $3 million was appropriated for MPA activities in FY 2002; and, again in the President's FY 2003 Budget, the Administration has requested to retain the $3 million in funding for MPA activities. The E.O. charts a course of action for the development of a scientifically based, comprehensive national system of MPAs, representing diverse U.S. marine ecosystems, and the Nation's natural and cultural resources. Similarly, it offers a useful set of organizing principles for us to follow in achieving these aims. I want to reaffirm the Administration's commitment to working with the Subcommittee to address both the challenges and opportunities related to this resource issue. Today I would like to discuss several things, including some basic details about MPAs, such as what they are, how they are used, and some common misconceptions about them. In addition, I would like to discuss NOAA's charge under the E.O. and the status of the MPA Executive Order implementation.

What are MPAs and some common misconceptions?

The term '*MPA*' is broadly used to describe specific marine areas that are given some sort of special protection for marine resources. The term itself has been used for over two decades, while the concept of using MPAs for allocating and managing marine resources has been around for centuries. There are many different types of MPAs in use around the world today. They come in a wide range of shapes, sizes, and management characteristics, established for different purposes with varying types of protection and uses.

MPAs can be unique tools in marine resource management because they can shift the emphasis from the traditional single-species focus to the protection of a specific area or habitat. In so doing, they can often help meet multiple goals and objectives in a single area. MPAs are an important and frequently used tool for fishery management, with examples including area and seasonal fishing closures for the protection of habitat, or closures for restoration of depleted stocks. Other types of MPAs maintain biodiversity and functioning ecosystems, protect sensitive habitat and endangered species, preserve historically or culturally important submerged archaeological resources, or provide valuable opportunities for science, recreation, and education in natural areas. MPAs designed to increase scientific knowledge or protect biodiversity and MPAs designed for recreational or fishery-enhancement purposes are not mutually exclusive.

Last month, NOAA Assistant Administrator for Fisheries, Dr. William Hogarth testified on MPA policy before the U.S. Commission on Ocean Policy. Dr. Hogarth described how much of the current confusion and controversy regarding MPAs stems from the continued uncertainty about the *terminology* used to define what is an MPA or what activities will be prohibited if an MPA is established. The controversy also stems from the mistaken belief that there is some specific percentage of the marine environment targeted to be set aside from all use, as well as the perception that MPAs are synonymous with the complete prohibition of all extractive activities, such as fishing, mining, etc.

I am aware of the concerns the topic raises at all levels and agree with Dr. Hogarth's observations, especially with regard to the perception that MPAs are synonymous with total prohibitions. The perception that all MPAs are 'no-take' reserves, when in fact MPAs can encompass (sometimes within the same site) a wide variety of management approaches and allowable uses, is perhaps the greatest point of confusion regarding MPAs.

MPAs may be called reserves, parks, sanctuaries, refuges, fishery management zones, seashores, wildlife preserves, and conservation areas. Sometimes the same term is used to describe distinctly different types of MPAs. The wide array of ill-defined terms to describe MPAs contributes to the high level of confusion among both proponents and detractors. This in turn creates contention, often where it need not exist.

In considering the use of MPAs, as well as other resource management tools, we must clearly identify the management problem to be solved and examine the range of potential solutions

before determining that an MPA should be implemented. The success of any type of MPA is based on the protection it provides to ensure a healthy marine ecosystem and by the level of stakeholder participation and community support that can be achieved. We also know that once established, MPAs must be adequately supported, particularly in two key areas: the enforcement of any conservation measures that have been implemented and the monitoring of effectiveness to verify that the site is fulfilling the goals for which it was created.

How MPAs are used at NOAA.

NOAA uses MPAs as a tool to manage fisheries and other marine resources for a number of reasons. Among these reasons are rebuilding fish populations; maintaining healthy fish stocks; restoring and protecting marine habitats; recovering protected species; protecting areas for the purposes of science, education, and cultural and historic resources; and conserving the integrity of marine ecosystems on which healthy fish populations and protected species depend.

More specifically, we use MPAs to protect fish spawning areas; conserve essential fish habitats; and restore endangered, threatened, and depleted marine mammal, sea turtle, and fish populations. NOAA also uses MPAs to conserve areas for their ecological, recreational, cultural, scientific, and educational value under our authorities to establish national marine sanctuaries and, in partnership with coastal states, national estuarine research reserves. Our MPAs cover a wide gamut, ranging in size, purpose, and level of protection. Those related to the management of living marine resources form the largest category, both in terms of number and area. Only a small portion of these sites are fully restricted in terms of extractive activities.

Each living-marine-resource-management MPA is designed to fulfill particular objectives, such as rebuilding a distinct stock of commercially or recreationally targeted fish, recovering an endangered marine mammal or turtle species, or protecting a sensitive coral reef ecosystem. Unlike other types of MPAs, fisheries-management and related MPAs may not be designed to exist in perpetuity. Upon fulfilling its intended management objective, a particular MPA may be reduced in size or level of protection or may be discontinued. Temporary fishery closures or restrictions are still considered MPAs because they have been created as an area-based protection to fulfill a specific conservation objective. NOAA monitors and reviews all of its MPAs to ensure they are achieving their management objective and strives to implement changes in a timely manner where they are warranted.

NOAA also uses MPAs to provide valuable research on the status of species and habitats. For example, NOAA Fisheries is currently involved in several projects in the southeast region to monitor the status of reef fish and coral reef habitats in the Florida Keys National Marine Sanctuary (in conjunction with the Sanctuary), Oculina Bank Habitat Area of Particular Concern off the Eastern central coast of Florida, and the Hind Bank Marine Conservation District in the U.S. Virgin Islands. These MPA monitoring activities help the agency complete the annual Status of Fisheries report, a public document that details the status of managed stocks. More importantly, these types of MPAs provide valuable information regarding the characteristics of fish stocks and their habitats, such as rebuilding and recovery times, historical abundance levels,

and population structure. This information can then be incorporated into fishery management plans for improved management. In addition, MPAs such as the Monitor National Marine Sanctuary and the Thunder Bay National Marine Sanctuary have been designated for the coordinated protection and management of submerged cultural resources, enabling researchers to further understand and build on the historical record made possible by the existence of these underwater shipwrecks.

Our charge under the MPA Executive Order

Signed on May 26, 2000, the MPA Executive Order stems directly from the recognition that the widespread interest in establishing MPAs among many federal and state agencies poses a tremendous opportunity for conservation**.** To this end, the E.O. directs the Department of Commerce and the Department of the Interior (DOI) to work closely with other federal, state, local, and tribal authorities, non-governmental partners, and stakeholders to coordinate and share information, tools, and strategies, and provide guidance on the use of technical and scientific studies to strengthen the effectiveness of existing MPAs. This includes support from evaluating the management effectiveness of existing MPA sites. The E.O. also directs the Department of Commerce and the Department of the Interior to develop a science-based framework for a national system of MPAs representative of the Nation's diverse natural and cultural ocean and coastal resources. The Order makes it clear that our mission and activities are intended to support existing agency programs and statutory authorities and not to duplicate, overshadow, or interfere with them. Nonetheless, it is important to emphasize what the Executive Order does not do. It does not:

- designate new sites,
- create new authorities or change existing ones,
- focus solely on 'no-take' reserves,
- set specific targets for habitat protection,
- restructure existing MPA programs,
- supercede or ignore best available science, or
- "Federalize" state or local programs.

The MPA E.O. defines 'MPA' for the purposes of the Order as "any area of the marine environment that has been reserved by Federal, State, territorial, tribal**,** or local laws or regulations to provide lasting protection for part or all of the natural and cultural resources therein."

In identifying the development of a science-based framework and network approach for managing marine resources, the Order challenges us to improve science and coordination and encourages the use the various existing authorities associated with the many types of MPAs, as an important aspect of marine resource management strategy.

The E.O. recognizes that resource managers from Federal, State, and local agencies, tribes, regional fishery management councils, and others have been designing, implementing, and

refining MPAs for decades and directs the Department of Commerce/NOAA and the Department of Interior to seek their expert advice and recommendations.

The E.O. calls for the establishment by the Department of Commerce of an MPA Federal Advisory Committee, which I will discuss in more detail shortly.

NOAA and DOI agencies are directed also to establish a publicly-accessible web site, mpa.gov, for disseminating information on MPAs and to publish and maintain a list of MPAs**.**

Status of Executive Order Implementation

The $3 million appropriated by Congress in FY 2002 to the National Oceanic and Atmospheric Administration has enabled the agency to build the foundation necessary to carry out the E.O., including the establishment of the National MPA Center called for in the Order. Housed in the NOAA Ocean Service, the MPA Center receives staff level support from the NOAA Fisheries and NOAA Research agencies, as well as from the Department of the Interior's Minerals Management Service, National Park Service, Fish and Wildlife Service, and Geological Service.

The Center has co-located its Science Institute with the NOAA Fisheries Laboratory in Santa Cruz, California, and its Training and Technical Assistance Institute with the NOAA Coastal Services Center in Charleston, South Carolina. Both Institutes are actively working to fill some of the key information gaps regarding MPAs, and are forming diverse partnerships with other agencies, academia, and industry. The MPA Center and its two thematic Institutes are dedicated to the principle of leveraging external capacity by working closely with institutions already engaged in various aspects of MPA design, management, and evaluation.

With the appropriated funding, the Center has begun to focus on the national need for consistent information, education, science and analysis, and technical assistance and training on MPAs that the E.O. was envisioned to address. The Center has allocated these funds to focus on the national need for communication, education, and information ($950,000); science, analysis, and inventory ($1,150,000); and training and technical assistance ($900,000). Funds are being used in all three of these categories to engage stakeholders as called for in the FY2002 Marine Protected Areas Spending Plan for the Engagement of Stakeholder Groups, which was approved by House and Senate Appropriations Committees in March 2002. The National MPA Center will also play an instrumental role in helping to facilitate broad engagement in planning and public involvement processes for identifying, assessing, and evolving toward a more comprehensive and integrated network of MPAs. The following are some specific examples in three broad areas of what we have been able to accomplish since approval of the E.O. in May 2000 in engaging stakeholders, building the scientific foundation, and building capacity.

1. **Engaging Stakeholders**:

The 2001 National Academy of Sciences report on MPAs stressed the need to involve all potential stakeholders through all phases of consideration and implementation MPAs if they are

to be successful and achieve their goals. In recognition of the importance of maximum involvement, NOAA continues to engage a broad range of stakeholders in a national discussion on the potential of MPAs to conserve marine resources, while using these national and regional forums to gain input on needs and concerns surrounding MPA use. For example:

Advisory Committee - The E.O. calls for the Department of Commerce to establish an MPA Federal Advisory Committee. We expect this Committee to be one of the key avenues for engaging stakeholders at the national level. The planned 25-member Committee would advise the Secretary of Commerce and the Secretary of the Interior on the development of a national system of MPAs. Establishing the Advisory Committee has involved two rounds of nominations and dedicated efforts of a joint NOAA-Department of Interior review team. Selecting a group of individuals representing the wide range of commercial and non-commercial interests and scientific disciplines related to the coastal, marine and Great Lakes environments from the nearly 350 well-qualified applicants has proven to be quite a challenge. We are nearing completion of this selection process. Once background checks are completed and formal appointments by the Secretary of Commerce are made, the first meeting of the Committee will convene.

Users' Guide To MPA Terms and Types - There is considerable confusion about how MPAs are used and for what purpose. In order to create a common language among all participants in the MPA discussion, the MPA Center Science Institute is developing a simple "users' guide" to the many types and purposes of MPAs and to the growing body of scientific and policy terms used to describe them.

Outreach to Fishermen - The National Marine Fisheries Service in collaboration with the MPA Center and NOAA Sea Grant Program will be holding a national conference on MPAs, called "RecFish II", in Florida in February 2003. The meeting is designed to enable the recreational fishing community to discuss their concerns regarding MPAs and provide an opportunity to contribute to a white paper for consideration by the MPA Federal Advisory Committee and other bodies. Earlier this year, the MPA Center Science Institute was instrumental in building a two-way dialogue with the fishing community on the west coast regarding the uses of MPAs and the underlying science and socioeconomic issues. The two Fishermen's Forums served to inform this key stakeholder group about the costs and benefits of MPAs, demonstrated the importance of effective participation in MPA planning processes, and provided a model for similar Forums in other parts of the country. And at the end of May, representatives from the MPA Center will brief the Chairs and Executive Directors of the Fishery Management Councils at their invitation on the E.O., the Center's current activities and work plans, and the legal authorities associated with the design and management of federal MPAs.

mpa.gov Web Site - The various components of the mpa.gov web site continue to develop in scope and size, particularly the virtual MPA library, maps, and background information on existing sites. The MPA Center plans to conduct a major revision of the web site to reflect the evolution in experience gained since the site was unveiled in 2000.

Education Workshops - The Center is working with other NOAA programs in sponsoring a series of educational workshops for site-based educators to increase the awareness and understanding of MPAs among site interpreters, K-12 grade students, teachers, and the general public. The first MPA workshop was held in November 2001 in Maryland and two more are planned for California and Minnesota in September 2002.

2. Building the Scientific Foundation:

Most MPA legislation and policy requires science-based decision making in both the design, management and evaluation of MPAs. Relevant science ranges from oceanography, ecology, population dynamics, pollution threats, effects of human activities on marine processes, and carrying capacity, to aspects of the human dimension such as economic impacts, social systems, and cultural heritage.

Social and Natural Science Strategies - The human dimension is critically important in the effective design and management of sites, and in their long-term support by the affected communities. Recognizing the growing demand to base MPA design and management on sound and transparent science, the MPA Center is developing parallel strategy documents on the natural and the social science needs for MPAs. In April, the MPA Center's Science Institute convened a workshop attended by over 80 scientists and practitioners from across the U.S. and Canada to identify information gaps and research priorities to form the basis for a social science strategy. This, along with a natural science strategy, expected in late 2002, will help guide the allocation of limited resources toward filling the most important information gaps.

Collection of Information on Existing U.S. Sites - Before assessing how existing MPAs might contribute as part of regional networks and a national system, it is first necessary to determine what currently exists. NOAA and the Department of the Interior have begun building a comprehensive database of marine areas under federal, state, territorial, tribal, and local management. Profile information for about 280 sites from five federal programs within NOAA and DOI has been collected. This information has been posted on the web site in mapped and text formats. A State Advisory Group has been established to provide guidance and recommendations as the team moves on to initiate the collection of state and territorial data.

Measuring MPA Effectiveness and Lessons Learned - A second factor in assessing regional MPA networks or establishing a national system is determining the effectiveness of existing sites. Increasingly, MPA agencies are required, whether by law, policy or stakeholder demands, to demonstrate that MPAs are effective in meeting their goals and objectives. To this end, NOAA's MPA Center Science Institute is working with a variety of domestic and international partners to develop practical measures of MPA effectiveness, and to provide a single, publicly-accessible web site for monitoring results and trends in the health of protected ecosystems. Related to measuring effectiveness is the evaluation of the approaches used to establish MPAs by various authorities. In the past few years, a number of high-profile efforts have been undertaken to plan and establish MPAs, some more successful than others. In an effort to learn from these experiences, and to ultimately improve meaningful stakeholder

engagement in MPA planning, the MPA Center Training and Technical Assistance Institute is conducting an analysis of the lessons learned from six recent processes in the U.S.

3. Building Capacity:

MPA Needs Assessment - A major, comprehensive national needs assessment was completed in March 2002 by the NOAA Coastal Services Center in cooperation with the National MPA Center. The assessment targets the needs of coastal and marine resource managers for information, skills, tools and processes to foster the effective management of MPAs at all levels of government and marine uses.

Facilitate External Training - The Training and Technical Assistance Institute will continue to populate the database for existing training and technical assistance providers. This database will be used to refer requests for training and technical assistance to appropriate providers. The Institute will also work with established providers to modify training so that it addresses MPA issues and MPA staff needs.

Fishery Management Council Technical Support - The Training and Technical Assistance Institute has been providing a range of technical support for the South Atlantic Fishery Management Council as the Council moves forward with their decision to use MPAs as a management tool to aid in the recovery of severely over-fished deepwater snapper-grouper species in the region.

Conclusion

We all share concerns about the increased demands being placed on living marine and submerged cultural resources and the mounting threats to the quality and abundance of these resources. Finding a way to meet our needs from the ocean while ensuring that these resources are sustained for the benefit of future generations is a challenge we all must confront. Science and experience indicate that MPAs can be effective tools to help manage, protect, and sustain the nation's valuable marine resources, as well as the people and economies that depend on them, but they are not a panacea to solve all management challenges. Many challenges remain as we implement the Executive Order, including finding ways to better integrate MPAs with existing authorities and approaches for meeting resource conservation goals. We welcome the Subcommittee's involvement in this evolving national dialogue regarding the role of MPAs as a management tool. Thank you Mr. Chairman. I would be pleased to answer any questions